

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
CIVIL DIVISION**

**MARY JONES and;
JOSEPH ALFORD**

Plaintiffs,

HOUSTON COUNTY, ALABAMA;et.al.,

Defendants.

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) **Case No.: 1:06-cv-585**
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MOTION TO APPOINT SPECIAL PROCESS SERVER

COME NOW, Plaintiffs, by and through the undersigned counsel of record and make this Motion for Appointment of Special Process Server in the above styled cause of action and as grounds states as follows;

1. Plaintiffs have discovered the whereabouts of a named Defendant, Thomas M. Flathmann.
2. Defendant Flathmann apparently now resides outside the State of Alabama, however, within the jurisdictional limits of the United States.
3. Plaintiffs' have contacted special process server, Brown's Legal Process of Bonneau, South Carolina and desire same to be specially appointed pursuant to Rule 4 (e)(2), Fed.R.Civ.P. to perfect service of process of a Summons and Complaint in the above styled cause of action upon Defendant Flathmann.
4. Plaintiffs' counsel have been informed that waiver of service by Defendant Flathmann's counsel is denied.

WHEREFORE THESE PREMISES CONSIDERED Plaintiffs respectfully pray this Honorable Court to appoint Brown's Legal Process of Mount Pleasant, South Carolina as special

process server for Plaintiffs so as to perfect service upon Defendant Thomas M. Flathmann.

RESPECTFULLY SUBMITTED this the ____th day of March, 2007.

s/ Michael Guy Holton
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CERTIFICATE OF SERVICE

I do hereby certify that I have served a copy of the foregoing this the ____th day of March, 2007 by electronically filing same with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the below listed counsel:

Gary C. Sherrer, Esq.
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s/ Michael Guy Holton
OF COUNSEL